

UNITED STATES OF AMERICA )  
 )  
 vs. )  
 )  
 STEIN AGEE, )  
 Defendant. )  
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UNITED STATES OF AMERICA )  
 )  
 vs. )  
 )  
 COREY AGEE, )  
 Defendant. )

**Case No. 1:20-cr-129-MR-WCM**

Defendants Stein Agee and Corey Agee (“Defendants”), with consent of the United States, respectfully move the Court, pursuant to Federal Rule of Criminal Procedure 21(b), to transfer their cases to the United States District Court for the Northern District of Georgia before Chief United States District Judge Timothy C. Batten, Sr., for all further proceedings, including sentencing. In support of this Motion, Defendants set forth the following:

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Defendant with conspiracy to defraud the United States in violation of 18 U.S.C. § 371.

2. On January 13, 2021, the Court entered text Orders accepting Defendants' guilty pleas.

3. Defendants were the first individuals to accept responsibility for their conduct and enter a plea of guilty in connection with the United States' nationwide complex investigation into syndicated conservation easements.

4. Shortly after the entry of their pleas in the Western District of North Carolina, the United States transferred its investigation to the Northern District of Georgia. Thereafter, seven co-conspirators were indicted by a grand jury in the Northern District of Georgia. *See United States v. Fisher, et al.*, 1:21-CR-00231-TCB-CMS (N.D. Ga. 2021).

5. Defendants both work and live in the Northern District of Georgia, and the criminal conduct committed by Defendants took place in the Northern District of Georgia.

6. Defendants have provided substantial assistance to the United States in connection with *United States v. Fisher*, which is pending before Chief Judge Batten in the United States District Court for the Northern District of Georgia.

7. Stein Agee was called by the United States as a witness and testified for a week at the trial of Jack Fisher, James Sinnott and Clay Weibel. That trial was presided over by Chief Judge Batten.

8. Upon information and belief, the United States intends to call both Stein Agee and Corey Agee as witnesses at the trial of Defendant Herbert Lewis. Chief Judge Batten will preside over Defendant Lewis's trial.

9. Defendants, with both the United States Attorney's Office for the Western District of North Carolina and the Department of Justice, Tax Division's ("Government") consent, are respectfully requesting a transfer of their cases to the Northern District of Georgia before Chief Judge Batten pursuant to Fed. R. Crim. P. 21(b) for all further proceedings, including sentencing.

10. A transfer to the Northern District of Georgia is in the interest of justice for the following reasons: (a) both Defendants live and work in the Northern District of Georgia; (b) the Northern District of Georgia is the center of the conspiracy; (c) Defendants' criminal conduct took place in the Northern District of Georgia; (d) Chief Judge Batten is very familiar with the facts of this conspiracy as he has presided over a two-month trial involving the conduct at issue; (e) Stein Agee has testified in front of Chief Judge Batten for a week in the trial of Defendants

Fisher, Sinnott and Weibel; and (f) both Stein Agee and Corey Agee are expected to testify before Chief Judge Batten in the Lewis trial.

11. Defendants are contemporaneously filing a Memorandum of Law in support of this Motion.

12. Defendants are submitting a proposed Order for the Court's consideration.

Based on the reasons set forth above and the reasoning and authority set forth in Defendants' Memorandum of Law, Defendants respectfully request that the Court enter an Order pursuant to Federal Rule of Criminal Procedure 21(b) transferring their cases to the Northern District of Georgia.

This the 3<sup>rd</sup> day of January, 2024.

Respectfully submitted,

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